

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**FIRST SET OF INFORMATION REQUESTS OF NSTAR GAS COMPANY TO THE  
DIVISION OF PIPELINE ENGINEERING AND SAFETY**

D.T.E. 05-36

November 16, 2005

Persons Responsible: Christopher Bourne

Information Request NSTAR 1-50

Please provide a copy of all correspondence, telephone logs, documents, letters and emails between the Division and the Carey family, its agents, attorneys, consultants and representatives from July 24, 2002 to the present.

Response

Letter from Kevin Penders, Hearing Officer, to John Wozniak, Esq., dated January 21, 2002, regarding the denial of a public records request relative to the investigation at 65 Main Street, Hopkinton, attached as Exhibit NSTAR 1-50(A).

Summons and Restraining Order, Emergency Motion for Temporary Restraining Order and Injunctive Order to Preserve Evidence, and Affidavit of John M. Wozniak, dated August 9, 2002, attached as Exhibit NSTAR 1-50(B).

Cover letter, dated August 15, 2002, from Assistant Attorney General Susan Paulson, to Worcester Superior Court filing Memorandum in Support of State Defendants' Emergency Motion to Dissolve Ex Parte Temporary Restraining Order, Affidavits of Robert F. Smallcomb, Jr., Colonel Thomas J. Foley, and Lieutenant Detective Gerard Coletta, attached as Exhibit NSTAR 1-50(C).

Cover letter, dated August 20, 2002, from John M. Wozniak, Esq. to Massachusetts Appeals Court filing Application to Stay Order or in the alternative for an Expedited Determination, Petition for Interlocutory Relief pursuant to G.L. Ch.231, Section 118, and Memorandum of Law in Support of Petition for Interlocutory Relief, Record Appendix and Certificate of Service, attached as Exhibit NSTAR 1-50(D).

Letter dated November 21, 2002, from John M. Wozniak, Esq. to Robert Smallcomb, Director requesting permission to participate in the procedural conference and investigation, attached as Exhibit NSTAR 1-50(E).

Letter dated November 26, 2002, from Robert Smallcomb, Director to John M. Wozniak, Esq. granting him permission to participate in the procedural conference on December 4, 2002, attached a Exhibit NSTAR 1-50(F).

Letter dated December 9, 2002, from Robert Smallcomb, Director to Interested Parties forwarding list of representatives of interested parties and advising of deadline for comments on the Massachusetts Materials Research, Inc. Protocol, attached as Exhibit NSTAR 1-50(G).

E-mail dated December 13, 2002, from John M. Wozniak, Esq. to Robert Smallcomb, Director requesting modifications to the Protocol, copies of photos of the explosion site and items removed, and meter readings, and results of soil tests, attached as Exhibit NSTAR 1-50(H).

E-mail dated December 20, 2002, from Robert Smallcomb, Director to Interested Persons advising them that responses to their comments would be delayed until December 24<sup>th</sup> due to illness of lead investigator and attorney, attached as Exhibit NSTAR 1-50(I).

Letter dated December 30, 2002, from Robert Smallcomb, Director to Interested Persons responding to comments of all interested persons, attached as Exhibit NSTAR 1-50(J).

Letter dated December 30, 2002, from Robert Smallcomb, Director to Interested Persons forwarding revised Massachusetts Materials Research, Inc. Protocol, attached as Exhibit 1-50(K).

Letter dated December 30, 2002, from James Scutti, Massachusetts Materials Research, Inc. to Robert Smallcomb, Director forwarding the schedule for the testing and analysis protocol, attached as Exhibit NSTAR 1-50(L).

E-mail dated December 31, 2002, from Deborah Coppin to Interested Persons with schedules attached, attached as Exhibit NSTAR 1-50(M).

E-mail dated January 13, 2003, from John M. Wozniak, Esq. to Robert Smallcomb, Director requesting copy of the Division's photos of the scene and documents regarding the transition fitting, attached a Exhibit NSTAR 1-50(N).

Follow up e-mail dated January 17, 2003, from John M. Wozniak, Esq. to Robert Smallcomb, Director requesting confirmation of previous e-mail requesting copies of Division's photos, attached as Exhibit NSTAR 1-50(O).

Letter dated January 21, 2003 from John M. Wozniak, Esq. to John B. Johnson, Esq. regarding the destructive testing of the transition fitting, attached as Exhibit NSTAR 1-50(P).

Letter dated January 22, 2003, from John M. Wozniak, Esq. to Robert Smallcomb, Director formally requesting that testing to the transition fitting be suspended, attached as Exhibit NSTAR 1-50(Q).

E-mail dated January 22, 2003, from Jim Scutti, Massachusetts Materials Research, Inc. to Robert Smallcomb, Director and Interested Persons postponing testing in light of anticipated litigation, attached as Exhibit NSTAR 1-50(R).

E-mail dated January 22, 2003, from John M. Wozniak, Esq. to Deborah Coppin and forwarded to Robert Smallcomb, Director requesting telephone conference, attached as Exhibit NSTAR 1-50(S).

Letter dated January 29, 2003, from Robert Smallcomb, Director to John M. Wozniak, Esq. addressing new expert retained by John Wozniak, Esq., attached as Exhibit NSTAR 1-50(T).

E-mail dated January 30, 2003, from John Wozniak, Esq. to Robert Smallcomb regarding the expert retained by John Wozniak, Esq., attached as Exhibit NSTAR 1-50(U).

Letter dated February 3, 2003, from John Wozniak, Esq. to Robert Smallcomb, Director and civil litigation parties regarding rescheduling of a meeting and a confidentiality agreement to be executed relative to drawings provided to MMR by Inner-Tite, attached as Exhibit NSTAR 1-50(V).

Letter dated February 4, 2003, from Robert Smallcomb, Director to Interested Persons regarding a second Procedural Conference and testing of recovered materials, attached as Exhibit NSTAR 1-50(W).

Letter dated February 10, 2003, from Robert Smallcomb, Director to Interested Persons requesting postponement of a second Procedural Conference, attached as Exhibit NSTAR 1-50(X).

Faxed letter dated February 26, 2003, from Peter Padula, Esq. to Robert Smallcomb, Director listing four (4) questions relating to the testing of recovered materials; letter dated May 15, 2003 from John Wozniak, Esq. to Robert Smallcomb, Director; letter dated May 19, 2003 from Robert Smallcomb, Director to John Wozniak, Esq., and letter dated February 28, 2003 from Robert Smallcomb, Director to Interested Persons, attached as Exhibit NSTAR 1-50(Y).

E-mail dated March 10, 2003, from Robert Smallcomb, Director to John Wozniak, Esq. regarding the test for leakage of the transition fitting by Jim Scutti, Massachusetts Materials Research, Inc., and email dated March 7, 2003, from John Wozniak, Esq. to Robert Smallcomb, Director, attached as Exhibit NSTAR 1-50(Z).

Letter dated March 10, 2003, from Robert Smallcomb, Director to John Wozniak, Esq. responding to comments regarding the test for leakage of the transition fitting by Jim Scutti, Massachusetts Materials Research, Inc., attached as Exhibit NSTAR 1-50(AA).

Letter dated March 19, 2003, from John Wozniak, Esq. to Robert Smallcomb, Director voicing formal objection to a new expert for NSTAR and to testing of the exemplar, attached as Exhibit NSTAR 1-50(BB).

Letter dated May 19, 2003, from Robert Smallcomb, Director to John Wozniak, Esq. responding to Mr. Wozniak's letter of objection of May 15, 2003 and informing him that the metallurgical examination would resume on May 20, 2003, and letter dated May 15, 2003 from John Wozniak, Esq. to Robert Smallcomb, Director setting forth objection to testing, attached as Exhibit NSTAR 1-50(CC).

E-mail dated May 20, 2003, from John Wozniak, Esq., forwarded by Deborah Coppin, to Robert Smallcomb, Director, commenting upon resumption of testing and request for deposition dates, attached as Exhibit NSTAR 1-50(DD).

June 9, 2003 Affidavit of Robert Smallcomb, Director addressing testing procedure and Mr. Wozniak's responses to same, attached as Exhibit NSTAR 1-50(EF).

Letter dated June 9, 2003, from Sheila L. York, Assistant Attorney General to John Wozniak, Esq., Emergency Motion of the Department of Telecommunications and Energy to Quash Plaintiffs' Subpoena Duces Tecum and for Protective Order, and memorandum in support, attached as Exhibit NSTAR 1-50(FG).

Letter dated June 16, 2003, from John Wozniak, Esq. to Middlesex Superior Court filing Plaintiff's Opposition to the Motion to Quash and Motion for Protective Order and Memorandum in Support thereof of the Department of Telecommunications and Energy and Massachusetts Materials Research, Inc., attached as Exhibit NSTAR 1-50(GG).

June 6, 2003 and August 11, 2003 Affidavits of Robert Smallcomb, Director, attached as Exhibit NSTAR 1-50(HH).

E-mail dated October 29, 2003, from Denise Desautels, Esq. to John Wozniak, Esq., Elizabeth Greene, Esq., Assistant Attorney General Susan Paulson, Assistant General Counsel Yvette Begue, and Robert Smallcomb, Director addressing a proposed telephone conference, attached as Exhibit NSTAR 1-50(II).

E-mail dated October 31, 2003, from Denise Desautels, Esq. to John Wozniak, Esq., Elizabeth Greene, Esq., and Assistant Attorney General Susan Paulson addressing a proposed telephone conference, attached as Exhibit NSTAR 1-50(JJ).

E-mail dated November 3, 2003 from Denise Desautels, Esq. to John Wozniak, Esq., Peter Padula, Esq., Elizabeth Greene, Esq., and Assistant Attorney General Susan Paulson addressing telephone conference, attached as Exhibit NSTAR 1-50(KK).

Letter dated November 6, 2003, from John Wozniak, Esq. to Denise Desautels, Esq. requesting that communications be forwarded to him by fax or first class mail and availability of the Incident Report, attached as Exhibit NSTAR 1-50(LL).

Letter dated November 18, 2003, from Denise Desautels, Esq. to Assistant Attorney General, Susan Paulson, et al, rescheduling a telephone conference with Judge Fabricant, attached as Exhibit NSTAR 1-50(MM).

Letter dated March 9, 2004 from Alan Cantor to the Division of Pipeline Engineering and Safety advising of his representation of the Careys, attached as Exhibit NSTAR 1-50(NN).